

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Public Services-Treasuries & Accounts Department-Representation of Sri J.Kumara Swamy, Sub Treasury Officer (Dismissed), O/o Deputy Director, District Treasury, Vizianagaram sanction of compassionate allowance of Rs.2,900/- p.m. and gratuity amount of Rs.95,700/--Orders-Issued.

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FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No.3327

Dated:21-07-2010

Read the following:

- 1.Representation of Sri J.Kumara Swamy, EWS Quarters Appughar Road, Sector-9, MVP Colony, Visakhapatnam, dtd.5.9.2009.
- 2.Lr.No.K(I)2/14664/2009, dt.3.3.2010 and dt.5.7.2010 from the DTA, AP, Hyderabad

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**ORDER:-**

In the reference 1<sup>st</sup> read above, Sri J.Kumara Swamy, Sub Treasury Officer (Dismissed), O/o Deputy Director, District Treasury, Vizianagaram, has stated that Rule 40 of AP Revised Pension Rules, 1980 provides for sanction of 'compassionate allowance' in special cases. Even the guidelines issued by the Govt. of India stipulate that special regard should be paid to the fact that the officer has a wife and children dependent upon him and that in exceptional circumstances; it is open to the competent authority to grant compassionate allowance. He has stated that he has two daughters aged 33 years and 35 years respectively, who are mentally retarded.

2. In the reference 2<sup>nd</sup> read above, the DTA, Hyderabad has stated that the petitioner Sri J.Kumara Swamy, Sub Treasury Officer was dismissed from service vide G.O.Rt.No.1164, Finance (Admn-I) Department dated.07.04.2003, consequent on his conviction by the Special Judge for SPE & ACB cases, Visakhapatnam under the provisions of prevention of corruption Act 1988 read with section 34 of IPC.

3. Aggrieved by the said conviction orders the petitioner has approached and filed a criminal appeal in the Hon'ble A.P. High Court which was dismissed by the Hon'ble AP High Court by its Judgment dated.28.08.2009. It is also stated that, in his petition dated.05.09.2009 the individual has expressed his intention to contest the matter further legally and requested the Government to sanction compassionate allowance without reference to the merits of the criminal case. The DTA has also stated that, the proviso under Rule 40 of AP Revised Pension Rules, 1980, provides for sanction of compassionate allowance to a dismissed Government servant on special consideration in deserving cases. It provides for sanction of compassionate allowance not exceeding 2/3<sup>rd</sup> of the Pension/Gratuity or both, which would have been admissible to such a dismissed Government servant, had he been retired on invalid pension. In this case, the petitioner has pleaded for compassionate allowance on the following grounds:

- (i) He has put in unblemished service of 35 years without any adverse remarks
- (ii) He has two mentally retarded daughters aged 33 years and 35 years who are wholly dependent on him.

4. The DTA has also stated that, as per the entry in Service Record of the petitioner, his family as on 04.02.1997 consisted of Spouse, two sons aged 26 years and 24 years and two daughter aged 22 years and 20 years and also a widowed mother (65 years). The petitioner Sri J.Kumara Swamy, Sub Treasury Officer (Dismissed) as on today is not drawing any pay and allowances/provisional pension or other allowances from the Government.

5. The DTA has also informed that the individual has filed SLP. If the Hon'ble Supreme Court allows his appeal, depending upon the nature of such disposal, he may be entitled to pensionary benefits or otherwise. If he gets pensionary benefits, the Compassionate Allowance can be withdrawn forthwith. Otherwise, he continues to draw the compassionate allowance and DTA has requested the Government kindly to issue necessary orders as deemed fit.

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6. After careful examination of the matter, Government hereby sanction compassionate allowance of Rs.2,900/- p.m. which is equal to  $\frac{2}{3}$ <sup>rd</sup> of his pension and gratuity amount of Rs.95,700/- to Sri J.Kumara Swamy, Sub Treasury Officer (Dismissed), O/o Deputy Director, District Treasury, Vizianagaram, as per rule 40 of A.P.R.P.Rs.1980 read with Rule 50 of A.P. Revised Pension Rules, 1980, subject to outcome of the SLP filed by the individual before Supreme Court of India.

7. The Director of Treasuries and Accounts, A.P., Hyderabad shall take necessary action in the matter accordingly.

8. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To

The individual through the DTA, AP, Hyderabad

The Director of Treasuries and Accounts, A.P., Hyderabad

Copy to: The Finance (Pen.I and II) Department.

The Accountant General, AP, Hyderabad

The SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER